



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

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COMMISSIONER

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April 11, 2019

Via Electronic Mail to CorpsLRNPlanningPublicCom@usace.army.mil

Attn: Chip Hall, Regional Technical Specialist
Department of the Army
Nashville District, Corps of Engineers
110 9th Avenue South, Room A-405
Nashville, TN 372032

Dear Mr. Hall:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (USACE) – Nashville District, Draft Integrated Detailed Project Report and Environmental Assessment (DPR/EA) and Unsigned Finding of No Significant Impact (FONSI) for the Cumberland River Tributaries, Nashville, Tennessee Flood Risk Management Study. The purpose of the Draft DPR/EA report is to analyze potential solutions for flooding problems within the Browns Creek, Richland Creek, and Whites Creek watersheds in Nashville, Davidson County, Tennessee. In determining a tentatively selected plan (TSP), USACE identified four separate projects.

- **Tentatively Selected Plan (TSP)** – Federal policy requires that recommended water and land-related plans have the greatest net economic benefit, as set forth in the National Economic Development (NED) plan. USACE presents the study recommendation as four separable projects. The four projects are separated by stream as described within the enclosed report. The NED Plan for each stream is provided below. Additionally, these plans leave considerably less residual risk in the floodplain than other plans in the final array.
 - **Browns Creek:** Includes a combination of the Murfreesboro Road bridge modification, the Hart bridge removal, and the Factory to Hart bank modifications. Other elements include the Bransford bank modification and the Browns Creek nonstructural plan.
 - **West Fork Browns Creek:** Includes the Woodmont and Woodvale bank modifications combined with the best performing nonstructural plan.
 - **Richland Creek:** Includes the Charlotte bank modification combined with the best performing nonstructural plan.
 - **Whites Creek:** Includes the Ewing bank modification, Gwynnwood bridge modification, Buena Vista bridge modification, and the Earthman bank modification combined with the best performing nonstructural plan.

TDEC has reviewed the Draft DPR/EA with Unsigned FONSI and provides the following comments:

Cultural and Natural Resources

TDEC believes the Draft DPR/EA adequately addresses potential impacts to cultural and natural resources within the proposed project area.¹ Additional coordination relating to potential impacts to rare, threatened, and endangered plant species will occur as a component of the Individual Aquatic Resource Alteration Permit (ARAP) required for these projects.

Air Resources

This project will occur wholly within Davidson County, a county that has an approved local air pollution control program that will be responsible for all air quality related matters associated with the project. It is recommended that the Nashville Davidson County Local Air Program be provided with the documents for their own internal review.²

TDEC recommends that all demolition work be done in accordance with the Federal regulatory requirement for asbestos demolition and lead paint abatement. Davidson County has existing local air regulations governing the renovation or demolition (R/D) of buildings or structures that may contain asbestos. The local program should be consulted regarding compliance with their regulatory requirements and/or fee's associated with asbestos R/D activity. TDEC recommends the Final DRP/EA include discussion relating to notifying Davidson County in the event that building demolition is necessary.

There are no emissions estimates provided or modeling analysis of the possible mobile emissions associated with the heavy equipment and trucks/work crews potentially involved with the project(s). Additionally, there are no estimates of fugitive dust emissions likely to be generated during the project or specifics for how fugitive dust control measures will be accomplished or their efficacy. TDEC recommends that this additional information be included in the Final DPR/EA.

No open burning of trees or vegetation is described or mentioned in the Draft DPR/EA. TDEC recommends that should open burning be considered for disposal of wood wastes generated from proposed activities, alternatives to open burning including chipping, composting or grinding of wood waste should be evaluated first. If open burning is selected for wood waste disposal USACE should consider implementing a smoke management plan, not burning on air quality alert days, and coordinating burning with other agencies (local and State air pollution control agencies, forestry agencies and local fire departments). TDEC encourages the Final DPR/EA to include discussion relating to the management of wood wastes generated by the TSP.

Water Resources

TDEC concurs that the TSP will require an Individual ARAP. Potential site-specific impacts associated with the TSP will be assessed during the permitting process, at which time an agreed upon impact avoidance, minimization, and/or mitigation strategy will be determined.

¹ This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d).

² Please contact, John Finke, Director - Division of Pollution Control, Metro Public Health Department, 2500 Charlotte Avenue, Nashville, TN 37209-4129. Director Finke can be reach by phone at (615) 340-5653 or by email at john.finke@nashville.gov.

The land disturbance involved with the extensive bank modifications and the construction of regional detention structures will disturb well more than an acre of land, which will require a stormwater permit under Tennessee's General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities (CGP) prior to the start of construction.³

Solid Waste⁴

Although no impacts are anticipated from Hazardous, Toxic, and Radioactive Waste, for all structural and non-structural Flood Risk Management measures that will be implemented and related Lands, Easements, Rights-of-Way, Relocations and Disposal Areas, the Division recommends that any wastes associated with such activities (e.g. modification, excavation, construction, demolition, operations) be managed in accordance with the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee (TDEC Division Rule 0400 Chapter 11 and 12, respectively). TDEC recommends this be reflected in the Final DPR/EA.

TDEC appreciates the opportunity to comment on this Draft DPR/EA with Unsigned FONSI. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



Kendra Abkowitz, PhD

Assistant Commissioner, Office of Policy and Sustainable Practices

Tennessee Department of Environment and Conservation

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³ Projects in Davidson County where ground cover, natural or man-made, is removed require a grading permit in addition to a CGP. For more information, please visit <http://www.nashville.gov/Water-Services/Developers/Stormwater-Review/Who-Needs-A-Grading-Permit.aspx>.

⁴ TDEC's Division of Solid Waste Management performed a circumferential review of the four delineated watershed study areas within Enforcement and Compliance History Online (ECHO) database, which yielded only one site with both current and historical significant noncompliance, Safety-Kleen Systems (a.k.a. January Environmental Services), TND981474125 located at 215 Whitsett Road, Nashville, TN 37210. This facility is located in close proximity to the Browns Creek Watershed closest to the East Fork. Further analysis is publicly available on ECHO's website. Moreover, analysis of facilities in Davidson County with current violations, current significant violations, violations in the past three years, and formal and informal enforcement in the past 5 years, can be accomplished through ECHO by state, federal, and private entities. For more information, please visit <https://echo.epa.gov/facilities/facility-search/results>.